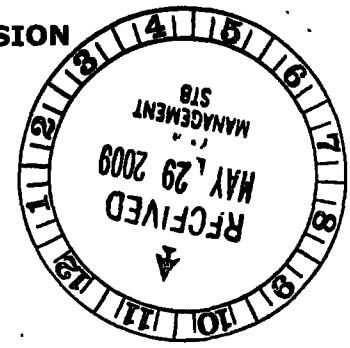




225190

ROME CITY COMMISSION

**FILING FEE WAIVED**



WRIGHT W. BAGBY  
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Mayor Pro Tem

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May 19, 2009

Ms. Ann K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street SW  
Washington, DC 20024

ENTERED  
Office of Proceedings  
MAY 29 2009  
Part of  
Public Record

Re: STB Docket No. AB-290 (Sub-No. 310X), Norfolk Southern Railway Company  
Abandonment-in Floyd and Polk Counties, Georgia

JOHN BENNETT  
City Manager

JOSEPH F. SMITH  
City Clerk

ROBERT M. BRINSON  
City Attorney

Dear Ms. Quinlan:

This request is filed by the City of Rome, on behalf of itself, Floyd County and the City of Cave Spring, Georgia, government agencies interested in transportation, natural resources and recreation, which are hereinafter referred to as "Proponent" and to reaffirm the joint letter of the above listed three local governments dated October 31, 2008 to Norfolk Southern Railway requesting the rail corridor be maintained as a trail corridor. Said letter was attached as the first exhibit under "Appendix C Agency Response" and submitted as part of Norfolk Southern's abandonment request and notice of exemption filed with the STB on April 15, 2009.

Although Proponent takes no position on the propriety of discontinuance of current rail service, Proponent does oppose unconditioned abandonment and requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization. These comments pertain to the rail line of Norfolk Southern Railway Company, more particularly described as the Vann's Valley Corridor, between milepost 3.69-N near Six Mile and milepost 16.00-N near Cave Spring, Georgia.



**A. Public Use Condition**

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question is along scenic Vann's Valley and will serve to connect an existing trail system in the City of Rome to the City of Cave Spring. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with The Rome-Floyd County Comprehensive Plan, which identified this corridor as the only route that would allow development of a multi-use trail for this important linkage of trail systems.

Additionally, the corridor sought would allow for regional trail linkages between the Silver Comet Trail in Polk County as well as The Pinhoti Trail in Rome-Floyd County. It would also provide a key link in the regional and multi-state plan to provide trail linkage between Atlanta and Chattanooga via this crucial connection to the Silver Comet Trail. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because Proponent has not had an opportunity to assemble or to review title information or to fully evaluate structures on the corridor. Moreover, Proponent has not yet had time to commence negotiations with the carrier. Although Proponent expects to proceed expeditiously, assembling the required information, negotiating with the carrier, and obtaining the necessary approvals will necessarily consume a minimum of 180 days.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

**B. Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponent also makes the following request:

Ms. Ann K. Quinlan  
Page Three  
May 19, 2009

#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by The Norfolk Southern Railway Company.

The property, known as the Vann's Valley Line extends from railroad milepost 3.69-N near Six Mile to railroad milepost 16.0-N near Cave Spring, Georgia a distance of 12.31 miles in Floyd and Polk Counties, Georgia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 310X).

A map depicting the right-of-way is attached.

The City of Rome acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Norfolk Southern Corporation, Strategic Planning -12<sup>th</sup> Floor, Norfolk Southern Corporation 3 Commercial Place, Norfolk, Virginia 23510, and to James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia, 23510 by U.S. Mail, postage prepaid, first class, this 19th day of May 2009.

Respectfully submitted,

  
Wright Bagby, Mayor  
City of Rome

Enclosures

c: Kathy Headrick, Norfolk Southern Corporation  
Honorable Jeff Mullis, Chairman  
Georgia Senate Transportation Committee  
Mr. William Steiner, CEO  
Coosa Valley Regional Development Center